

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

21-md-3010 (PKC)

ORDER

CASTEL, U.S.D.J.

The Court has reviewed the marked-to-show-changes version of the Second Amended Complaint (“SAC”) filed by Inform Inc. (“Inform”) (ECF 535-1, filed April 28, 2023), Google’s pre-motion letter (ECF 554) and Inform’s response (ECF 559).

Inform alleges that it is an online video platform that creates videos that, for example, may be placed on a publisher’s website accompanying the publisher’s related news story. Inform-created video may be preceded by a lead-in advertising clip for a product or service targeted to the publisher’s website viewers. Inform alleges that Google and its YouTube subsidiary provide services similar to Inform. The balance of the allegations in the Second Amended Complaint are similar to the surviving allegations in the States’ Third Amended Complaint.


Google correctly points out that Inform is situated differently from other MDL plaintiffs. (ECF 526 at 2.) It does not readily appear that discovery related to the Inform claims would be materially different in kind and scope to that presented by other constituent actions in the MDL. Without prejudging any motion that Google wishes to make, the Court will dissolve the discovery stay in the Court’s Order of April 13, 2023.

Google may file a motion to dismiss the SAC by July 31, 2023, brief not to exceed 30 pages. Inform may respond by September 1, 2023, brief not to exceed 30 pages and Google may reply by September 23, 2023, brief not to exceed 20 pages. The parties should

proceed on the basis that the judge reading their brief is the author of the Opinion and Order of September 13, 2022 and should focus on any distinctions that warrant a different ruling in the case of Inform's SAC.

The discovery stay in the Order of April 13, 2023 (ECF 527) is dissolved. Letter motion (ECF 554) should be terminated.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
May 31, 2023